



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

NOV - 8 2004

Dear Federal and/or State Commercial¹ Fishing Permit Holder:

By virtue of holding a current/valid state or federal permit for a fishery that falls under one or more of the Category I/II fisheries listed on the reverse of the enclosed Certificate, you have been registered automatically in the National Marine Fisheries Service (NOAA Fisheries) Marine Mammal Authorization Program (MMAP). You are receiving this letter and enclosures for the purpose of complying with the requirements of the Marine Mammal Protection Act (Act). Pursuant to Section 118 of the Act, participants in Category I/II commercial fisheries must be registered in the MMAP. Only those Category I/II commercial fishery participants registered under the MMAP are exempted from the Act's general prohibition on the taking of non-endangered/threatened marine mammals. (At this time, no takes of endangered/threatened marine mammals are authorized in the Atlantic.)

With this letter we would also like to update you on some issues regarding the current and upcoming marine mammal take reduction plans as described on the reverse.

Your 2005 MMAP Authorization Certificate is enclosed and must be maintained aboard your designated vessel while it is engaged in any of the fisheries described on the reverse of the Certificate. This Certificate, in combination with a current/valid state or federal fishing permit, will serve as your authorization to incidentally take non-endangered/threatened marine mammals in the course of commercial fishing operations.

If you plan to participate in one or more of the fisheries identified on the reverse side of the enclosed Certificate, you must:

- Maintain the enclosed MMAP Authorization Certificate, or a copy, on board the vessel while engaging in any of the fisheries identified on the reverse side of the Certificate. In the case of non-vessel fisheries, the enclosed Certificate, or a copy, must be in the possession of the person in charge of the operation.
- Report all injuries and mortalities of marine mammals within 48 hours of returning from the trip during which these takes occurred using the Mortality/Injury Reporting Form, which can be obtained by calling the Northeast Region Protected Resources Division at 978-281-9328, ext. 6505.
- Take an observer aboard your vessel if so requested.

Please review the Terms and Conditions listed on the enclosed Authorization Certificate. This Certificate may be suspended or revoked by NOAA Fisheries for failure to comply with any of these Terms and Conditions. If you have any questions regarding MMAP registration or general questions about the MMAP and/or List of Fisheries, please contact Marcia Hobbs at (978) 281-9328, ext. 6505.

¹ Due to the way in which the addressee list for this mailing was generated, it is possible that recreational (i.e., non-commercial) state license holders will receive this letter. If you are purely a recreational fisher, please disregard this letter, as neither the requirements of Section 118 nor the take exemptions provided by the MMAP currently apply to recreational operations.



TAKE REDUCTION PLAN UPDATES FOR ATLANTIC FISHERIES

Atlantic Large Whale Take Reduction Plan (ALWTRP)

NOAA Fisheries will be publishing a Draft Environmental Impact Statement (DEIS) intended to analyze the impacts associated with proposed modifications to the ALWTRP. The alternatives discussed in the DEIS are intended to reduce the risk of serious injury and mortality of large whales in commercial fishing gear. NOAA Fisheries will also be publishing a proposed rule which will include specifics on how any ALWTRP modifications would be implemented. The DEIS and proposed rule will solicit public comments during a comment period and public hearings will also be held during this time. In the interim, we would like to inform you of measures you are currently required to take and/or can take now to reduce the bycatch of large whales.

If you use sink gillnet gear in the Northeast, gillnet gear in the mid-Atlantic, or American lobster trap/pot gear:

- Your gear type is currently regulated under the ALWTRP. We urge you to obtain the regulations in their entirety to ensure you are in compliance with these requirements.
- If you are presently purchasing new line for your groundline, we encourage you to consider purchasing *neutrally buoyant* or *sinking* line, rather than floating line, to reduce the likelihood of a whale encountering your gear.
- If you are required under the ALWTRP to use a weak link on your buoys and/or net panels, you must use one of the configurations on the enclosed weak link/gear marking techniques guide.

If you use trap/pot gear to target species including, but not limited to, conch/whelk, hagfish, red crab, scup, black sea bass, tautog or Jonah crab in the Atlantic:

- NOAA Fisheries would like to inform you that we are considering regulations for these trap/pot fisheries. We encourage you to review the gear modification requirements for lobster trap/pot fishermen in your area and call the industry liaisons at the numbers below to discuss gear modifications in your fishery.

For further information, contact the ALWTRP Coordinator, Diane Borggaard, at 978-281-9328, extension 6503 or visit the ALWTRP web page at <http://www.nero.noaa.gov/whaletrp/>. If you have questions on specific gear modifications, please contact the industry liaison for your area [John Higgins (207-677-2316) in New England or Glenn Salvador (302-644-2375) in the Mid-Atlantic].

Bottlenose Dolphin Take Reduction Plan (BDTRP)

NOAA Fisheries recently convened a TRT to address the bycatch of North Atlantic coastal bottlenose dolphins throughout their range in nine East Coast fisheries. The proposed rule for the BDTRP, based on the TRT's recommendations, is expected to be published in November 2004. The TRT is tentatively scheduled to meet during the proposed rule public comment period. For further information, contact the Southeast Region Protected Resources Division at (727) 570-5312 or visit the BDTRP web page at

http://www.nmfs.noaa.gov/prot_res/PR2/Health_and_Stranding_Response_Program/bdtrp.htm.

Harbor Porpoise Take Reduction Plan (HPTRP)

The take reduction plan for the Gulf of Maine/Bay of Fundy harbor porpoise stock remains in effect for waters off Maine through and including North Carolina. For further information, contact the Northeast Region Protected Resources Division at (978) 281-9328, ext. 6505 or visit the HPTRP web page at

<http://www.nero.noaa.gov/porptrp/>. You may also wish to contact the industry liaison for your area (above under ALWTRP) with specific questions on gear requirements.

Sincerely,



Mary A. Colligan
Assistant Regional Administrator
for Protected Resources

Enclosures